IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 19511 of 2002

Between:

M/s Savithri Acqua Pvt. Ltd, rep. By its Director

Smt.Kodali Anuradha, W/o K.Venkata Sridar Babu,

Aged about 37 years, F-3, Madhu Plaza Apartments,

Mogalrajpuram, Vijayawada-10

..... PETITIONER

AND

1. District Collector, Krishna District.
2. Executive Engineer, Special Division, Vijayawada.
3. Dy.Executive Engineer, Pollution Control Board, Vijayawada.
4. Mandal Revenue Officer, Kanchincharla & Nandigama, Krishna Dist.

.....RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the first respondent in refusing the permission to take Wyra river water for the purpose of petitioner's prawn tanks vide impugned order proceedings

No.E2/828/2002, dated 18-9-2002 as illegal, arbitrary, irregular and unconstitutional and further direct the first respondent to grant permission to the petitioner-company to take Wyra river water for prawn tanks in the lands adjacent to Wyra river in Gandepalli village, Kanchikacherla and Nandigama Mandal as per the request made by the petitioner-Company vide request dated 19-8-2002.

Counsel for the Petitioner:MR.C.RAGHU, Advocate

Counsel for the Respondent No.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following ORDER:

Though interlocutory matters are listed for hearing, on the request of the learned Counsels appearing for the parties, the Writ Petition itself is taken up for consideration.

The petitioner has questioned the action of the District Collector, Krishna District-first respondent herein, in refusing to draw the water from Wyra river for the purpose of developing prawn culture. On the application of the petitioner, for drawing water from Wyra river, the Collector & District Magistrate, Khammam district, has addressed letter dated 18-9-2002 to the Sub-Collector, Vijayawada. It is evident from the said proceedings that the request of the petitioner was not considered on the ground that the petitioner has developed prawn culture without, due permission from the competent authority, and, pollution control clearance.

In the counter affidavit filed by the Mandal Revenue Officer, Kanchincherla and Nandigama, it is stated that Screening Committee was constituted with the Sub-Collector/Revenue Divisional Officer as Chairman for processing the applications for grant of approval/permission to develop fish/prawn culture in private lands. It is further stated that the application of the petitioner is placed before the Screening Committee and the same is pending consideration.

In absence of any permission from the competent authority, for developing prawn culture, the petitioner is not entitled to draw water from the river as a matter of right. Inasmuch as, it is stated that the application of the petitioner for grant of permission for developing prawn culture is pending consideration

before the Screening Committee, I dispose of the Writ Petition, directing the Screening Committee, headed by the Sub-Collector/Revenue Divisional Officer, Krishna District, to dispose of the application of the petitioner within a period of two months from the date of receipt of this order. If the petitioner is granted permission by the Screening Committee, it is open for the petitioner to file fresh application for drawing water.

Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 15-06-2004.

Nn/Tsnr/Msnr.

Note: Office is directed to mark

a copy of this order to the Sub-Collector/

Revenue Divisional Officer, Krishna

District, who is the Chairman of the

Screening Committee.

(By Order)

Msnr.

Assistant Registrar

//True copy//

Section Officer

To

1. The Sub Collector/RDO, Krishna District.

2. District Collector, Krishna District.

3. Executive Engineer, Special Division, Vijayawada.

4..Dy.Executive Engineer, Pollution Control Board, Vijayawada.

5.Mandal Revenue Officer, Kanchincharla & Nandigama, Krishna Dist.

6. Two ccs to G.P. for Irrigation & Command area Dev, High Court of AP, Hyderabad (OUT)

7. Two CD copies.